

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Phoenix Capital Group Holdings, LLC, Plaintiff, vs. Incline Energy Partners, L.P., Defendant.	Case No. 1:23-cv-00209 JOINT MOTION FOR EXTENSION OF TIME TO ANSWER MOTIONS
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Plaintiff Phoenix Capital Group Holdings, LLC (“Plaintiff”) and Defendant Incline Energy Partners, LP (“Incline”) (collectively “the Parties”) move the Court for an extension in which to respond and reply to 1) Incline’s Rule 12(b)(6) Motion to Dismiss [Dkt. 6], and 2) Incline’s Motion to Dismiss Based on Abstention, or Alternatively, Motion to Transfer Venue [Dkt. 8] (collectively “the Motions”), and in support respectfully show the Court as follows.

1. Incline filed its Rule 12(b)(6) Motion to Dismiss on November 28, 2023. Dkt. No. 6. Phoenix’s response is currently due on December 19, 2023.

2. Incline filed its Motion to Dismiss based on Abstention, or Alternatively, Motion to Transfer Venue on November 28, 2023. Dkt. No. 8. Phoenix’s response is currently due on December 19, 2023.

3. Based on the current response dates, Incline’s replies to Phoenix’s responses are currently due on January 2, 2024.

4. Due to the impending holidays, prior and continuing obligations in other cases, including appellate briefing due from Defendant’s counsel during the same time period, the Parties respectfully move the Court to extend the deadline for Phoenix’s responses to the

Motions to December 22, 2023, and Incline's deadline for its replies in support thereof to January 12, 2024.

5. This motion is made in good faith and not for the purpose of delay. Good cause exists for these extensions to allow counsel adequate time to prepare the responses and replies.

6. This is the first request for extensions of these deadlines.

Dated this 6th day of December 2023.

Respectfully submitted,

By: /s/ Charlene C. Koonce

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d)(1)(B), as amended, no certificate of service is necessary, because this document is being filed with the Court's electronic-filing system.

/s/ Charlene C. Koonce

Charlene C. Koonce